IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7405 of 2004

Between:

Mahanth Bharath Das, S/o.Late Jagannath Das, R/o.22-1-1111, Imlibun,Gowliguda,Hyderabad.

..... PETITIONER

AND

1.The Deputy commissioner, Endowment Department, Tilak

Road, Hyderabad.
2.Person in Management, Sri Jagannathaswamy Temple, Imlibun,

Gowliguda, Hyderabad.
3.N.sudheer, S/o.Bhaskara Rao, M/s. Siddardha Enterprises,

Indian Gas Godown, D.No.17, Imlibun, Gowliguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for the records relating to order dated 16-2-2004 made in I.A.71/2003 in O.A.No.03/2001 passed by the 1st respondent and quash the same as illegal, arbitrary, unjust, without jurisdiction, and in violation of principles natural Justice.

Counsel for the Petitioner: MR.KRISHNA MOHAN SIKHARAM

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the respondent No.2: Mr.K Durga Prasad

The Court made the following:

ORDER:

Heard both sides.

The petitioner herein seeks to assail the orders passed in I.A.No.71 of 2003, dated 16.02.20004, under Section 83 of the A.P. Charitable & Hindu Religious Institutions and Endowments Act 30 of 1987 (for short the 'Act').

Admittedly, as against the said order, a revision would lies to the Commissioner, Endowments, under Section 92 of the said Act, which is an alternative remedy available to the petitioner. But the petitioner without exhausting the said remedy available to him, filed the present writ petition.

In view of the same, the Writ Petition is not maintainable and accordingly, it is dismissed. The petitioner is at liberty to file a revision before the Commissioner, Endowments Department, under Section 92 of the Act, within a period of two weeks from today and on filing of such revision, the same shall be disposed of within two weeks, after notice to both parties. To enable the petitioner to approach the Commissioner and to obtain interim orders, the interim stay granted by this Court in W.P.M.P.No.9651 of 2004 dated 26.04.2004, shall continue for a period of three weeks.

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(B.PRAKASH RAO, J)

20th AUGUST 2004.

CC by three days

/BO/

bss/skmr

To

1.The Deputy commissioner, Endowment Department, Tilak

Road, Hyderabad.
2.Person in Management, Sri Jagannathaswamy Temple, Imlibun,

Gowliguda, Hyderabad.

3.2CCs to G.P. for Endowments, High Court Buildings,

Hyderabad (OUT)

4..2CD copies

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